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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,717	03/14/2001	James D. Bennett	00B011	5512

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EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/808,717

Applicant(s)

BENNETT ET AL.

Examin r

F. J. BARTUSKA

Art Unit

3627

MLJ

-- Th MAILING DATE of this communication appears on the cov r sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 17-19, 30-32 and 36-38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lent et al. Lent et al disclose a method

and apparatus for real time online credit approval including an Internet connection 1404 over the World Wide Web to gather information about an applicant and submit the information to at least one credit bureau to determine the credit worthiness of the applicant, see col. 3, line 53 to col. 4, line 37 and col. 17, lines 44-50. Receiving by a web server 1406 a web page that contains personal information is disclosed in col. 3, lines 62-64 and col. 17, lines 12-15. Obtaining by the web server 1406 credit report information is disclosed in col. 4, lines 18-27 and col. 7, line 54 to col. 11, line 8. Determining buyer approval for financing at least one product is disclosed in col. 4, lines 227-29 and col. 17, lines 15-18 and 44-50.

3. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mandler et al. Mandler et al disclose a system and method for online purchase of goods including a buyer computer 21, a seller server 11 and a finance server 41. Electronic commerce including catalog services is disclosed in col. 3, lines 6-12. Credit limits and credit for each purchase is disclosed in col. 3, lines 31-65 and col. 6, line 44 to

col. 7, line 15. Gathering information about the buyers is disclosed in col. 5, line 60 to col. 6, line 21.

Response to Arguments

The applicants argue that Lent merely discloses a credit card approval process. It is the examiner's position that Lent discloses a credit approval process that facilitates an electronic commerce purchase. Lent discloses in col. 1, lines 6 and 7 that the invention relates generally to electronic commerce and in lines 16 to 22 of col. 1 that electronic commerce includes transactions such as purchases of consumer goods, airline tickets and movie tickets. Col. 1, lines 64-67 discloses: "The true power of such a system would be realized when the system is accessed in the midst of a transaction to obtain credit specifically for the purpose of that transaction." Col. 17, lines 44-50 discloses that the system may be used for granting credit for the purpose of making a single transaction. Clearly, Lent discloses granting credit for making purchases in real time on the Internet.

The applicants argue that Mandler et al merely disclose processing of a registration application for registering buyers via a

computer network. It is the examiner's position that Mandler et al disclose a complete system and method for enabling buyers and sellers to transact with each other. Mandler et al disclose in col. 1, lines 6-8: "The present invention relates to a system and method for enabling buyers and sellers of goods to transact with each other". Col. 3, lines 55-65 of Mandler et al disclose that the financial clearinghouse notifies the sellers of the buyers order, receives notification of the shipment of the goods and transmits an invoice to the buyer. Col. 6, lines 6-8 of Mandler et al disclose that the financial clearinghouse provides trade credit to the buyers and payment and collection services to the sellers. The detailed method of transacting sales is disclosed in col. 7, line 21 to col. 8, line 15 in Mandler et al.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of

this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fjb

F. J. BARTUSKA
PRIMARY EXAMINER